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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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9 GRADETECH, INC.,

No. C 06-2991 MEJ

10 Plaintiff(s),

**ORDER DIRECTING PARTIES TO FILE  
CONSENT/DECLINATION FORM**

11 vs.

12 AMERICAN EMPLOYERS GROUP,  
13 APPLIED UNDERWRITERS, and DOES  
1 through 50, inclusive,

**ORDER DIRECTING DEFENDANTS' TO  
LODGE CHAMBERS COPIES OF E-  
FILED DOCUMENTS**

14 Defendant(s).  
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**ORDER RESCHEDULING  
DEFENDANT'S MOTION TO DISMISS  
HEARING**

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17 The Court is in receipt of Defendants' Motion to Dismiss for Improper Venue, or in the  
18 alternative Motion to Transfer. Upon review of the record in this action, the Court notes that the  
19 parties have not filed written consents to Magistrate Judge James' jurisdiction or requests for  
20 reassignment to a United States District Court judge for trial. This civil case was randomly assigned  
21 to United States Magistrate Judge Maria-Elena James for all purposes including trial. In accordance  
22 with Title 28, U.S.C. § 636(c), the Magistrate Judges of this District Court are designated to conduct  
23 any and all proceedings in a civil case, including a jury or non-jury trial, and to order the entry of  
24 final judgment, upon the consent of the parties. An appeal from a judgment entered by Magistrate  
25 Judge James may be taken directly to the United States Court of Appeals for the Ninth Circuit in the  
26 same manner as an appeal from any other judgment of a district court.

27 You have the right to have your case assigned to a United States District Judge for trial and  
28 disposition. Accordingly, the parties shall inform the Court whether they consent to Magistrate

1 Judge James' jurisdiction or request reassignment to a United States District Judge for trial. A copy  
2 of both the consent and declination forms may be obtained from the Northern District of California's  
3 website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left  
4 margin, then choose "Civil." The parties shall inform the Court as soon as possible, but no later than  
5 June 1, 2006.

6 Although the Court is aware of Defendants' Motion to Dismiss through the Court's e-file  
7 system, this Court has not received Chambers copies for Docket Nos. 3-13. General Order 45.VI.G  
8 states,

9 [i]n all cases subject to ECF, in addition to filing papers electronically, the parties are  
10 required to lodge for chambers no later than noon on the business day following the day that  
11 the papers are filed electronically, one paper copy of each document that is filed  
12 electronically. These printed copies shall be marked "Chambers Copy" and shall be clearly  
13 marked with the judge's name, case number, and "Chambers Copy-Do Not File." The printed  
14 copies shall be delivered to the Clerk's Office. Parties shall not file a paper copy of any  
15 document with the Clerk's Office that has already been filed electronically.

16 General Order 45.VI.G. Defendants are to submit Chambers copies of Docket Nos. 3-13. The  
17 continual failure to lodge Chambers copies or failure to comply with this Order will result in  
18 sanctions.

19 Defendants' scheduled the Motion to Dismiss for June 22, 2006. Subsequently, Defendants'  
20 filed an Amended Notice and scheduled the hearing for June 29, 2006. However, the Court is  
21 unavailable on either of those two dates. Accordingly, the Court resets the hearing date for  
22 Thursday, July 13, 2006, at 10:00 a.m. This Order, however, does not alter the original briefing  
23 schedule.

24 **IT IS SO ORDERED.**

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26 Dated: May 16, 2006

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MARIA-ELENA JAMES  
United States Magistrate Judge